

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Panu Korhonen, *et al.*
Title: USER INTERFACE FOR A PORTABLE
TELECOMMUNICATION DEVICE
Application No. 10/509,528
Filing Date: 09/24/2004
Examiner: Angelica Perez
Art Unit: 2618
Confirmation No.: 2810

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

In accordance with the Pre-Appeal Brief Conference Pilot Program announced July 11, 2005, this Pre-Appeal Brief Request is being filed. A Notice of Appeal is being filed concurrently herewith.

In a Final Office Action dated April 20, 2007, Claims 1-17 are rejected under 35 U.S.C. § 103(a). For at least the reasons discussed below, Applicants respectfully submit that the rejections are clearly deficient.

I. Claims 1, 11, and 12

Independent Claims 1, 11, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2001/0020937 to Rosenberg et al. (hereinafter "Rosenberg") in view of United Kingdom Application No. 2,358,336 to Schaupp et al. (hereinafter "Schaupp"). Applicants respectfully traverse the rejection.

Claims 1, 11, and 12, with emphasis added, recite “an electrical drive means” “and a movable means arranged in relation to the drive means in such a way that the movable means performs a mechanical movement when electrical power is supplied to the drive means, and wherein an electric signal is induced in the drive means when the portable telecommunication device is moved in a way that causes the movable means to move.” In other words, Applicants claim a movable means which is driven by a drive means. The movable means performs a mechanical movement when power is supplied to the drive means. Further, when the telecommunication device is moved in a way which causes the movable means to move, an electric signal is induced in the drive means. As such, the movable means serves a dual purpose: i) the movable means performs a mechanical movement in response to power being supplied to the drive means, and ii) in response to movement of the telecommunication device, the movable means moves such that an electric signal is induced in the drive means. Further, the drive means also serves a dual purpose: i) the drive means receives a supply of electric power which results in the movable means performing a mechanical movement, and ii) the drive means has an electric signal induced therein when the movable means moves in response to movement of the telecommunication device. Alone or in combination, Rosenberg and Schaupp do not teach, suggest, or describe such a movable means or such a drive means.

Rosenberg discloses a feedback system for “interfacing the motion of a user-manipulable object with ... a computer ...,” and is entirely unrelated to the field of portable telecommunication devices. (Abstract). Rosenberg does disclose an “actuator [which] applies a force to the gimbal mechanism along a degree of freedom to the user object in accordance with a processor command received from the processor.” (Paragraph [0016]). As such, force feedback is provided to a user through the user object such that contact with flesh, bone, etc., is simulated during a virtual surgery. The actuator disclosed in Rosenberg is not a dual-purpose “movable means,” as required by Claims 1, 11, and 12. That is, the actuator of Rosenberg does not perform a mechanical movement in response to electric power received by a drive means. The actuator of Rosenberg merely causes a force to be applied against a user’s hand to simulate contact with matter, and does not “perfor[m] a mechanical movement,” as recited in Claims 1, 11, and 12.

Rosenberg does not teach, suggest, or describe a dual-purpose drive means as claimed by Applicants. Specifically, Rosenberg does not disclose a drive means which receives a supply of

electric power, resulting in a mechanical movement of a movable means (first purpose). Rosenberg also fails to disclose a drive means which has an electric signal induced therein when a movable means moves in response to movement of a device (second purpose). On Page 4 of the Final Office Action, the Examiner acknowledges that “Rosenberg does not specifically teach of a portable user interface and where an electric signal is induced in the drive means when the portable telecommunication device is moved in a way that causes the movable means to move.”

On Page 4 of the Final Office Action, the Examiner states that Schaupp “teaches of a portable user interface ... where an electric signal is induced in the drive means when the portable ... device is moved in a way that causes the movable means to move” at “figure 3, item 100; page 4, lines 1-4.” On page 4, lines 1-4, Schaupp does disclose “[a] portable electronic device” which “allows a user to select one or more of the options by physically moving the device in a particular direction.” However, Schaupp does not teach, suggest, or describe a movable means or a drive means as recited in Claims 1, 11, and 12.

Schaupp discloses a “motion detector 110 [which] is preferably made up of two accelerometers, each of which detect changes in motion (e.g., accelerations).” (Page 5, lines 14-15). A “controller 102 receives motion detection signals from the motion detector 110. In response to certain motion detection signals, the controller 102 causes the display 112 to show various predefined graphical depictions.” (Page 6, lines 16-18). The “controller 102 ... include[s] a data memory 104, such as a random-access memory, a program memory 106, which may be in the form a read-only memory (ROM), and a microprocessor 108” (Page 4, lines 20-23). The “motion detector 110” is connected to “an A/D converter 110” and is “electronically coupled to the controller 102” through “a conventional input/output (I/O) circuit 114.” (Page 5, lines 9-11; fig. 1).

Thus, Schaupp discloses stationary accelerometers which are used to detect acceleration of the device. When acceleration is detected, the accelerometers send motion detection signals to a microprocessor such that the device can be controlled. Schaupp does not teach, suggest, or describe a movable means. Further, Schaupp does not disclose a movable means which “performs a mechanical movement when electrical power is supplied to ... [a] drive means,” and which moves “when the portable telecommunication device is moved” such that

“an electric signal is induced in the drive means,” as recited in Claims 1, 11, and 12 with emphasis added. The accelerometers disclosed in Schaupp merely detect motion and inform the microprocessor of the detected motion. The accelerometers do not perform a mechanical movement in response to a drive means, nor do they induce an electric signal in a drive means. Schaupp also fails to teach, suggest, or describe a drive means as claimed by Applicants. Further, Schaupp does not disclose a drive means which receives a supply of electric power such that a movable means performs a mechanical movement. Further yet, Schaupp does not disclose a drive means which has an electric signal induced therein when a movable means moves in response to movement of the device.

In sum, Applicants claim a “movable means” which is controlled by and which induces an electric signal within a “drive means.” Alone or in combination, neither Rosenberg nor Schaupp teach, suggest, or describe such a movable means or such a drive means.

II. Claims 2-10 and 13-17

In the Final Office Action, Claims 2-10 and 13-17 are also rejected under 35 U.S.C. § 103(a). Claims 2-10 depend from Claim 1, and Claims 13-17 depend from Claim 12. For at least the reasons discussed above with reference to Claims 1 and 12, Applicants respectfully submit that Claims 2-10 and 13-17, respectively, are in condition for allowance.

Accordingly, all of the presently pending claims are believed to patentably distinguish over the cited art of record.

Date July 20, 2007
FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

Respectfully submitted,

By 

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787